

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

EVOLVED WIRELESS LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

Civil Action No. 2-21-cv-00033-JRG

**Jury Trial Demanded**

**JOINT NOTICE REGARDING AVAILABILITY FOR  
SEPTEMBER 29 TO OCTOBER 6 TRIAL PERIOD**

By email sent August 29, 2023, the Court directed the parties to provide their availability and any potential conflicts for trial during the period from September 29, 2023 to October 6, 2023. Plaintiff Evolved Wireless LLC (“Evolved”) and Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (“Samsung”) respectfully provide the Court with their notice of availability and conflicts.

**Evolved’s Position**

The September 29 to October 6 trial period presents a conflict for Evolved Wireless because Nigel Jones (Evolved’s infringement expert) is testifying as the source code expert for the Plaintiff at trial in the Western District of Texas in *Streamscale, Inc. v. Cloudera, Inc.*, Case No. 6:21-CV-00198 during the week of October 2–6. He is also testifying as the source code expert for the Defendant at trial in the District of Delaware in *3G Licensing, S.A. Koninklijke KPN N.V.* and *Orange S.A. v. HTC Corp.*, Case No. 17-CV-83 during the week of October 9–13.

### **Samsung's Position**

The September 29 to October 6 trial period presents several conflicts for Samsung, its witnesses, and its counsel. *First*, Samsung's trial counsel, Victoria Maroulis, is scheduled to argue an appeal in *Kannuu Pty. Ltd. v. Samsung Electronics America, Inc.* (Case No. 22-1526) before the Federal Circuit in Atlanta, Georgia on October 5. Ex. A (Notice of Oral Argument). On January 11, 2023, the Federal Circuit ordered arguing counsel to file a notice of scheduling conflicts for March-August, with Federal Circuit oral arguments scheduled for the first week (or in some cases first two weeks) of each month. Ex. B (Notice to Advise of Scheduling Conflicts). On January 13, 2023, Ms. Maroulis filed a notice of scheduling conflicts on March 7, May 3, and August 7-11. Ex. C (Response to Notice to Advise of Scheduling Conflicts). On August 14, 2023, the Federal Circuit again ordered arguing counsel to submit scheduling conflicts, this time for October-December 2023 and January-March 2024, with again the first week (or first two weeks) of each month available. Ex. D (Notice to Advise of Scheduling Conflicts). On August 17, 2023, Ms. Maroulis filed a notice of scheduling conflicts from November 7-9, 2023. Ex. E (Response to Notice to Advise of Scheduling Conflicts). On August 21, 2023, the Federal Circuit issued a notice of oral argument setting argument for October 5, 2023. Ms. Maroulis will be assisted in that appeal by John McKee, a member of the technical team in this case.

*Second*, Samsung's corporate representative, Chris Pickering, is the Senior Director of Product Planning responsible for interfacing with multiple of Samsung Electronics America's wireless carrier customers and, specifically, Mr. Pickering has several important meetings with those wireless carrier customers during the September 29 to October 6 period. The period between September 18 and October 13 is Samsung Electronics America's defined period of introducing its next flagship products to customers for consideration and detailed discussion. Mr. Pickering has

little to no flexibility during this period because Samsung is heavily dependent on its customers' executive and leadership availability. These meetings will take place at customer headquarters, meaning they will be in various locations throughout the country. Two are currently scheduled for September 29 and October 6, and others are likely to be scheduled for the same week. Thus, Mr. Pickering is not available the week in question.

*Finally*, the proposed trial window overlaps with two of the most significant Korean holidays: Chu-Seok (Korean Thanksgiving) from September 28-29 and National Founding Day on October 3. These are analogous to Thanksgiving and July 4 in the United States, and several of Samsung's Korean witnesses have plans with family during that period. Samsung's counsel is in the process of coordinating with Samsung to determine which specific witnesses have plans and on which dates, and at the Court's request will provide more specific information as it becomes available.

Dated: August 30, 2023

Respectfully submitted,

/s/ Andrew J. Wright

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-7(h) and (i), I hereby certify that, on August 30, 2023, the parties conferred regarding this notice and agreed to file the notice jointly.

Dated: August 30, 2023

/s/ Andrew J. Wright

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on August 30, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

Dated: August 30, 2023

/s/ Andrew J. Wright